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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Report of the Secretary-General on the implementation of Commission on Human Rights resolution 1994/21, entitled "The right to development"

1. In its resolution 1994/21, entitled "The right to development", the Commission on Human Rights made a number of requests to, inter alia, the Secretary-General, the High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights.

2. In paragraph 17 of that resolution, the Commission requested the Secretary-General to submit to the Commission at its fifty-first session a report on the implementation of the resolution. The present report is submitted in accordance with that request.

3. In paragraph 4 of resolution 1994/21, the Commission urged the Secretary-General to take the necessary measures in order to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development. In this connection, consultations are under way between the Centre for Human Rights and the Department for Public Information.

4. In paragraph 5 of the same resolution, the Commission welcomed the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21) and, in that respect, requested the Secretary-General to invite Governments, international financial institutions, the regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the relevant bodies and organizations of the United Nations system, including the Department of Humanitarian Affairs, and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the check-list contained in annex I to the report.

5. In a letter and a note verbale dated 26 April 1994 the Assistant Secretary-General for Human Rights invited Governments, international financial institutions, the regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the relevant bodies and organizations of the United Nations system, including the Department of Humanitarian Affairs, and non-governmental organizations to provide the Working Group with such additional information.

6. In paragraph 5 (b) of resolution 1994/21, the Commission requested the Secretary-General to provide the Centre for Human Rights with a focal unit specially designed to follow up on the Declaration and its implementation, which would collate and analyse information and replies from Member States, intergovernmental and non-governmental organizations, present the results of the work on the right to development to regional or international meetings, including those of all United Nations agencies and international financial institutions with a development mandate, and perform such tasks as were assigned to it by the Working Group. Owing to financial constraints, it has not been possible to implement this request so far.

7. In paragraph 6 of resolution 1994/21, the Commission urged the Working Group to make recommendations on the implementation of the right to development, taking into account policies at the national and international levels, particularly towards the creation of a favourable international economic climate which would be more responsive to the needs of the developing countries, as well as to give priority to the special needs of the least developed countries.

8. At its second session, the Working Group took note of the above request of the Commission and decided to consider it at one of its next sessions. (See reports on the second and third sessions of the Working Group, held in 1994, E/CN.4/1995/11 and E/CN.4/1995/27).

9. In paragraph 7 of resolution 1994/21, the Commission requested the Secretary-General to convene a joint consultative meeting of the members of the Working Group and the Chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, other relevant treaty bodies and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

10. Despite special efforts to hold the third session of the Working Group at the same time as the fifth meeting of Chairpersons of treaty monitoring bodies, in September 1994, it was not possible to do so for logistical reasons. However, at the invitation of the Chairman of the Committee on Economic, Social and Cultural Rights, the Chairman of the Working Group on the Right to Development met with members of the Committee at its ninth session. Furthermore, at the invitation of the Chairman of the Working Group the Chairman of the Committee on Economic, Social and Cultural Rights and the Vice-Chairman of the Committee on the Rights of the Child participated in the meetings of the Working Group at its second and third session respectively.

11. In paragraph 8 of resolution 1994/21, the Commission decided that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the Working Group so that they could contribute substantially to its work.

12. Pursuant to this request, the Assistant Secretary-General addressed a letter, dated 14 April 1994, to the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions inviting them to participate actively in the sessions of the Working Group and to contribute substantially to its work.

13. In paragraph 9 of resolution 1994/21, the Commission recommended that consideration be given to inscribing the question of the right to development on the agenda of forthcoming conferences convened by the United Nations, including the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women: Action for Equality, Development and Peace and the substantive session of the Commission on Sustainable Development.

14. As far as input into the final document of the International Conference on Population and Development is concerned, the Centre for Human Rights participated actively in the preparatory process leading up to the Conference. Both at the stage of the preparatory process and in a message from the High Commissioner for Human Rights to the Conference, emphasis was placed on the importance of adopting an integrated and holistic approach to human rights, in which all human rights were considered as universal, interrelated, interdependent and indivisible and seen as an integral part of economic and social development activities. The High Commissioner for Human Rights pointed out that such an approach was well suited to the complex issues relating to population and human rights and underlined that the effective implementation of the United Nations human rights standards, in particular those relating to economic, social and cultural rights and the right to development, would make an important contribution towards resolving many of the population problems of concern to the Conference.

15. As far as the preparatory process for the World Social Summit is concerned, the Centre for Human Rights has participated actively in the process of inter-agency consultations with a view to finalizing the draft declaration and the draft programme of action of the World Social Summit. The Preparatory Committee at its second session, as well as informal inter-sessional consultations held in New York from 21 to 28 October 1994, revealed an emerging consensus on separate chapters in the draft programme of action relating to reduction and eradication of poverty, productive employment, reduction of unemployment and social integration. In those sections of the draft declaration relating to "Commitments", the following unbracketed consensual language of interest to the right to development has emerged:

> Commitment 4 (b) "Recognize fully the inherent rights of indigenous peoples and the need to establish the conditions to allow their full participation in the formulation and implementation of social and economic policies and programmes that affect their development."

Commitment 5 "We commit ourselves to achieve full equity and equality between women and men and to enhancing the contribution of women to social progress and development."

16. It is also of significance that the Preparatory Committee has agreed to use the consensus language of the Programme of Action adopted recently by the International Conference on Population and Development, for those sections or paragraphs which remain in square brackets. This would be of importance in those sections relating to reduction of poverty, development and unemployment, on which a consensus in some cases needs to be further negotiated.

17. Although the draft declaration and draft programme of action will be finalized only at the third and final session of the Preparatory Committee in January 1995, it can be safely assumed from the trend of negotiations so far, and given the interest in development and poverty-related issues in the debate in the Preparatory Committee, that the final document of the Social Summit will contain significant language relating to the right to development.

18. With regard to the Fourth World Conference on Women: Action for Equality, Development and Peace, the Centre for Human Rights intends to raise the question of the right to development at the session of the Commission on the Status of Women to be held in March 1995.

19. In paragraph 10 of resolution 1994/21, the Commission recommended that the Assistant Secretary-General for Human Rights suggest that the members of the Administrative Committee on Coordination at their forthcoming regular meeting incorporate the right to development as a major component of the programmes and activities of the Committee.

20. In their respective interventions at the first regular session for 1994 of the Administrative Committee on Coordination, held in April 1994, at which human rights were inscribed on the agenda for the first time in the context of the follow-up to the World Conference on Human Rights, both the High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights highlighted the importance of promoting the right to development in United Nations system-wide activities, which opened new perspectives for cooperation within the system. They also emphasized the contribution that the promotion of that right could make to economic and social development.

21. In paragraph 11 of resolution 1994/21, the Commission decided that the Working Group on the Right to Development would hold two sessions, each for a two-week period, in May and October 1994 to continue to carry out the mandate of the Group. Accordingly, the Working Group held two sessions in 1994, from 2 to 13 May and from 3 to 14 October.

22. In paragraph 12 of the same resolution, the Commission recommended to Governments which had nominated experts as members of the Working Group also to nominate alternate experts if they so wished. In accordance with this recommendation, the Government of China and the Government of Cuba have nominated alternate experts to the Working Group.

23. In paragraph 13 of resolution 1994/21, the Commission requested the Economic and Social Council at its substantive session for 1994 and the

General Assembly at its forty-ninth session, under the agenda item "Human rights questions", to continue to consider the question of the implementation of the provisions contained in the Declaration on the Right to Development.

24. In this connection, the Economic and Social Council, at its substantive session for 1994, adopted resolution 1994/245 entitled "The right to development". The General Assembly, at its forty-ninth session, adopted resolution 49/183, in which it, inter alia, called upon the Commission on Human Rights to consider carefully the reports of the Working Group on the Right to Development and to request the Working Group in fulfilling its mandate to continue to examine and sustain attention to all the various aspects of the right to development, with a view to making recommendations for enhancing the universal realization of the right to development, through, inter alia, the implementation of the provisions of the Declaration on the Right to Development; requested the Secretary-General to ask the Centre for Human Rights to provide a programmatic follow-up on the implementation of the Declaration on the Right to Development, as part of the efforts to implement the Vienna Declaration and Programme of Action; requested the United Nations High Commissioner for Human Rights, within his mandate, to continue to take steps for the promotion and protection of the right to development by, inter alia, working in conjunction with the Centre for Human Rights and drawing on the expertise of the funds, programmes and specialized agencies of the United Nations system related to the field of development; and, called upon States Members of the United Nations to address within the declaration and programme of action to be adopted by the World Summit for Social Development, the United Nations Conference on Human Settlements (Habitat II) and the platform of action to be adopted by the Fourth World Conference on Women the elements for the promotion and protection of the principles of the right to development, as set out in the Declaration on the Right to Development.

25. In paragraph 14 of resolution 1994/21, the Commission requested the High Commissioner for Human Rights to promote the implementation of the right to development and the Declaration on the Right to Development, inter alia, by working closely with the Working Group on the Right to Development. The High Commissioner addressed the second and third sessions of the Working Group held in May and October 1994 respectively, and expressed his intention actively to support its important work, as well as its proposals.

26. At its first session, the Working Group had emphasized the importance of greater coordination and cooperation between the United Nations agencies and bodies for the realization of the right to development. In this connection, the High Commissioner assured the Working Group at its second session that he would endeavour to strengthen support from relevant bodies of the United Nations system to promote and protect the realization of the right to development. He also informed the Working Group of his meeting with members of the Administrative Committee on Coordination at its first regular session for 1994.

27. At the third session of the Working Group, held in October 1994, the High Commissioner suggested two levels at which the Centre for Human Rights could, in line with the deliberations of the Working Group, seek to improve coordination and cooperation within the United Nations system. The first

level related to making the right to development more operational through improved coordination and cooperation on strategies, policies and programmes, as well as in the formulation of appropriate criteria. The second level related to improving dialogue between the financial and trade institutions, on the one hand, and those dealing with social and humanitarian affairs, on the other, so as to ensure that the economic and monetary aspects were not separated from the social objectives of development.

28. The High Commissioner reiterated to the Working Group his commitment to promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights, including the right to development. He also assured the Working Group that, as requested by the General Assembly, he would play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights.

29. Furthermore, the High Commissioner assured the Working Group of his full support with respect to another matter of importance to the Group. He informed the Group of his intention personally to follow with the greatest attention the implementation of Commission resolution 1994/11 entitled "Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development". Pursuant to that resolution, the High Commissioner addressed letters to ministers for foreign affairs, heads of the multilateral financial institutions and specialized agencies, as well as to intergovernmental and governmental organizations, dated 24 October and 1 December 1994 respectively, requesting them to submit their comments and proposals on adequate measures that needed to be implemented in order to find a durable solution to the debt crisis of developing countries so that they might fully enjoy all human rights. The comments and proposals submitted are contained in document E/CN.4/1995/...

30. In paragraph 15 of resolution 1994/21, the Commission urged the High Commissioner to make recommendations towards enhancing the support from relevant bodies of the United Nations system in fulfilment of his mandate to promote and protect the realization of the right to development.

31. At the meeting of the Administrative Committee on Coordination (see para. 20 above) at which the High Commissioner briefed the Committee on the follow-up to the World Conference on Human Rights, he highlighted the objectives outlined by the World Conference for United Nations system-wide action in this field. These objectives include cooperation in order to strengthen, rationalize and streamline activities and avoid duplication; the assessment of the impact of policies, programmes and strategies on respect for all human rights; and cooperation and coordination in a number of specific substantive and operational areas. In this connection, the High Commissioner informed the Committee of his intention to establish a permanent dialogue with the United Nations specialized agencies, bodies and programmes to promote human rights through a systematic and periodic exchange of information, experience and expertise, which would have the following objectives:

(a) To assist in the elaboration and the implementation of joint projects, particularly within the framework of a global programme aimed at

assisting Member States to establish and reinforce national structures that would help to ensure the rule of law and respect for human rights;

(b) To provide the basis for the assessment of the impact of the strategies and programmes of the various agencies and programmes on the enjoyment of all human rights, through the formulation of terms of reference, the development of indicators of progress in human rights and the formulation of common guidelines that would facilitate a common approach to the question.

32. In this connection, the High Commissioner highlighted two levels of cooperation and coordination:

(i) the first related to the setting of inter-agency policy and follow-up within the Administrative Committee on Coordination, so as to enable the heads of the agencies and programmes to address effectively questions of policy and its implementation;

(ii) The second related to the operational level and involved the strengthening of ongoing contacts through established or expanded mechanisms in order to ensure, on a daily basis, cooperation in system-wide human rights activities.

The High Commissioner proposed that at the operational level cooperation could be reinforced by the designation, within each agency or body, of an officer in charge of human rights, or by the creation of focal points or units, wherever these did not exist. He pointed out that a permanent dialogue between such entities would facilitate the exchange of information and experience, as well as the planification and, to the extent possible, coordination of ongoing or future activities.

33. The results of the discussion in the Administrative Committee on Coordination are most encouraging. The agencies reaffirmed their commitment to contribute to the implementation of the Vienna Declaration and Programme of Action within the framework of their mandates, approved programmes and the resources made available for their activities, including through support to and cooperation with the High Commissioner for Human Rights in system-wide coordination. Other steps agreed to included an assessment by members of the Administrative Committee on Coordination of the impact of the strategies and policies of their organizations on the enjoyment of all human rights and the consideration of the feasibility of developing common indicators and guidelines for that purpose. In addition, agreement was reached on the desirability of periodic discussion in the Administrative Committee on Coordination with a view to furthering a coordinated approach by the United Nations system to the promotion and protection of human rights, in particular those of the most vulnerable in society, and strengthening, making better use of and, where necessary, expanding existing mechanisms to provide a framework for the follow-up to the World Conference, in order to establish priorities, exchange experience and coordinate ongoing activities, not only within the United Nations system, but also with non-governmental organizations. Further, steps to be taken include strengthening of training programmes in human rights for international civil servants and the

examination of ways to facilitate inter-agency cooperation, through systematic exchange of information, accessible to all relevant components of the system, for example, through the establishment of databases.

34. On 12 August 1994, the High Commissioner for Human Rights began a dialogue with all the heads of agencies and programmes of the United Nations system to follow up the recommendations made in the Administrative Committee on Coordination in the human rights field.

35. In paragraph 16 of resolution 1994/21, the Commission requested the Working Group on the Right to Development to submit to the Commission at its fifty-first session a report on the progress of its work during 1994. The reports of the Working Group on its second and third sessions, held in May and October 1994, are being submitted to the Commission at its present session in documents E/CN.4/1995/11 and E/CN.4/1995/27 respectively.